

COMMONWEALTH OF KENTUCKY
DEPARTMENT OF INSURANCE

AGENT LICENSING DIVISION
Treva W. Donnell, Director

MANAGING GENERAL AGENT
(Kentucky’s MGA license is NOT the same as the NAIC Model or most other states’ MGA license)

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This document is for general information purposes only. It does not amend or precede provisions of the Kentucky Revised Statutes or Administrative Regulations. For more complete information, refer to the Kentucky Insurance Code.

A managing general agent (MGA) solicits applications from agents or negotiates policies on behalf of appointing insurers and, if authorized by the insurer, effectuates and countersigns policies. An individual or business entity has to be licensed as a managing general agent to engage in these activities. Further, if the licensee is underwriting more than 5% of the insurer's gross direct written premium or involved in certain other activities on behalf of the insurer, the licensee may be a "controlling agent"*.

Note that the resident applicant must have a prerequisite agent license before applying for a managing general agent license. Plus, the statutes in the Insurance Code that apply to agents usually include managing general agents, unless the context requires otherwise. As a result, most regulation of the resident managing general agent license is done indirectly by regulating the prerequisite agent license.

* See KRS 304.3-500 through 304.3-570 for additional duties and responsibilities of licensees that meet the definition of controlling agent. (Licensees known in Kentucky as controlling agents are called managing general agents or MGAs in the NAIC Model Act and in most other states.) An insurer that contracts with controlling agents is known in Kentucky as a "producer controlled property or casualty insurer" and, as such, is subject to the provisions of KRS 304.3-400 through 304.3-430.

WARNINGS

Notice of Action Against License – Every licensee must notify the Department in writing within 30 days of initiation of:

- **Disciplinary action** taken by any jurisdiction against the license or any other professional license; or
- **Criminal action** taken by any jurisdiction against the licensee.

Address Change or Name Change – Every licensee must notify the Department, in writing, of any change in residence address, business address, or legal name within 30 days of the change. Agents, individual or business entity, surplus lines brokers, rental vehicle agents and managing employees, managing employees, reinsurance intermediary brokers, and reinsurance intermediary managers are subject to a penalty up to \$1,000 for failure to do so. Adjusters, administrators, life settlement brokers, life settlement providers, and consultants are subject to a penalty up to \$2,000.

Address changes should be submitted on Record Correction **Form 8303**. (Moving from Kentucky to another state may require surrendering the resident license and applying for non-resident license. Also moving to Kentucky from another state may require surrendering the non-resident license and applying for a resident license.)

- **Name changes** should be submitted on Record Correction **Form 8303** with pertinent legal documentation approving the name change, including any amendments filed with the Kentucky Secretary of State.

Form 8303 should include the licensee's name and identification number (the licensee's Social Security number, Federal Employer Identification Number, or Department of Insurance identification number); and it should be submitted to the Department online by clicking on eServices at <http://doi.ppr.ky.gov> to set up a password protected account OR, by mail to

Department of Insurance
Agent Licensing Division
Post Office Box 517
Frankfort, KY 40602-0517

Corrected License Certificate – Because the insurance law requires that the license contain the licensee's name, city and state of principal place of business address, and other pertinent information, every licensee that changes this information must request a corrected license from the Department. To get a corrected license with the name, city, or state change, the licensee may request online or submit a request on **Form 8306** and return the out-of-date original license. A license with the new name, new city, or new state will be provided without charge and mailed to the current designated address of the licensed individual or the licensed business entity.

Change of Home State – A non-resident licensee who changes his or her home state to a state other than Kentucky must file a change of address **Form 8303** and provide a Certification Letter from the new home state or a copy of license information from the NAIC Producer Database, within 30 days of the change. No fee or license application is required.

Loss of Home State License – A Kentucky non-resident license based on reciprocity will automatically terminate and must be surrendered to the Department if the home state license terminates for any reason.

MISCELLANEOUS INFORMATION

Notice of Commissioner's Order – Every licensee is deemed to have received any notice or order of the commissioner mailed to the licensee's address on file with the Department of Insurance.

Licensee's Office Open to Public – If Kentucky is the home state, the licensee is required to have and maintain an office in Kentucky that is accessible to the public, and that is the place where the licensee principally conducts transactions under the license. This requirement does not prohibit the licensee from maintaining this office in the office of an insurer, in the office of the employer, or in the home of the licensee. (Kentucky is the home state if the licensee has a Kentucky resident license or has a Kentucky principal place of business and does not hold a resident license in another state.)

Display of License and Retention of Records – The license of all licensees must be conspicuously displayed in each Kentucky place of business in a part customarily open to the public. In addition, complete records of transactions under the license must be kept at the place of business for at least 5 years after completion of the purpose for which it was created. [KRS 304.9-390 and 806 KAR 2:070]

Service of Process – All non-resident licensees are deemed to have irrevocably appointed the Kentucky Secretary of State to receive service of process in any court action against the licensee arising out of transactions under the Kentucky license.

Designations – A licensed business entity can only exercise its license through a designated individual. Each designated individual has to hold the same kind of license as the business entity. Further, the designated individual may only exercise the business entity license for the lines of authority held in common by both the business entity and the individual. Designated individuals for resident business entity must hold active license and at least one active insurer appointment. A non-resident business entity may designate its first actively licensed designee without him or her being appointed with an insurer; however, any subsequent designees must be appointed with an insurer.

Each licensed business entity must file with the Department

- **Form 8305 – Notice of the designation** of an individual within 30 days of the designation or termination of the designation

Certification / Clearance Letter from Kentucky Department of Insurance – If an applicant for a license in another state holds or has held a Kentucky resident license, the other state may require a letter from the Kentucky Department of Insurance. A certification letter states that the license is active and in good standing in Kentucky (needed to license a Kentucky resident licensee as a non-resident licensee in another state). A clearance letter states that the former licensee was in good standing at the time the Kentucky license terminated (needed to license a former Kentucky resident licensee as a resident licensee in another state). Kentucky has combined these two letters:

- If the license is active, the letter will serve as a certification letter for the current license activity; and
- If the license is no longer active, the letter will indicate the last date of license and the date it became inactive, thus serving as a clearance letter.

Each letter must be requested online at <http://insurance.ky.gov>; click eServices, set up a password-protected account, and complete the Certification/Clearance Letter Request Form. Complete the licensee's full name, identification number (the licensee's Social Security number, Federal Employer Identification Number, or Department of Insurance identification number), and type of letter needed. Also, the licensee must indicate where the processed paperwork should be mailed by providing the correct address on the request. Fees may be paid by credit or debit card online, or make check payable to the "Kentucky State Treasurer" in an amount of \$5 for each letter requested. The fee must be included with the request.

Certification / Clearance Letters to Kentucky Department of Insurance – Kentucky no longer requires a letter (only verification through the NAIC Producer Data Base) from the other state if the applicant for a Kentucky license holds or has held a resident license in the other state.

Request for Kentucky Non-resident License –

- Kentucky will verify electronically through NAIC Producer Data Base, that the non-resident applicant is licensed and in good standing in the resident state.
- A non-resident individual or business entity, which has a Kentucky non-resident license and changes its home state, must file Record Correction **Form 8303**.

Request for Kentucky Resident License –

- Kentucky will verify electronically through NAIC Producer Data Base, that the non-resident applicant is no longer licensed in the other state.

Purchase of Kentucky Insurance Code – Because there is so much involved in the licensing and the legal requirements imposed on a licensee, the Department suggests that every licensee get a copy of *Kentucky Insurance Laws and Regulations*. This Kentucky insurance code can be purchased for \$53.00 through the Department of Insurance. It will provide a better understanding of Kentucky insurance laws and procedures. In the alternative, the licensee may access Kentucky's insurance laws and administrative regulations through the Legislative Research Commission Web site at www.lrc.ky.gov under "Legislative Resources."

Forms and Additional Information – Kentucky-specific applications and most other forms for all licensees are available through the Department's Web site at <http://insurance.ky.gov> under the "Agent Licensing" section of the menu titled "Licensee Procedures, Forms and Information." Also visit this Web site for additional information on all types of licenses, as well as verification of license status, continuing education credit, appointment, designations with business entities, etc. The Licensing Division is also available to provide information and answer questions through its e-mail address at DOI.AgentLicensingMail@ky.gov or by telephone at 502-564-6004.

INDIVIDUAL RESIDENT MANAGING GENERAL AGENT

To be issued a resident managing general agent license, an individual must meet the requirements of KRS 304.9-085.

QUALIFICATIONS – Individuals applying for a MGA license must:

- Hold an agent license with property and casualty lines of authority;
- Be appointed and hold a contract with each authorized insurer the applicant will represent as a managing general agent in Kentucky; and
- Hold a surplus lines broker license if unauthorized insurers are represented or used.

APPLICATION – The applicant is required to certify, under penalty of perjury, that the application for the license is true. Further, the Department must receive the following to process the individual's application:

- ☐ Individual License Application – **Form 8301** (completed in its entirety and attaching the appropriate information)
- ☐ List of insurers applicant has contracted with to act as managing general agent and hold appointments for each insurer
- ☐ Copy of contract with each authorized insurer
- ☐ Criminal background report from Administrative Office of the Courts (AOC) (apply online at <http://courts.ky.gov>)
- ☐ Hold an agent license with property and casualty lines of authority; provide identification number for Kentucky agent license with property and casualty lines of authority
- ☐ If using assumed name, copies of Certificate of Assumed Name filed with each Kentucky County Clerk where the applicant intends to transact business
- ☐ All applicable non-refundable fees

FEES – The applicant must remit \$100 for the license.

CRIMINAL BACKGROUND CHECK – Statutory changes in 2005 require the Department to assume responsibility for investigating whether each individual applying for a license is trustworthy, reliable, and of good reputation before issuing the license. As part of that investigation, the individual must submit a current criminal background report with his or her completed license application. Each individual applicant must get the criminal background report from the Administrative Office of the Courts (AOC) applying online at <http://courts.ky.gov> and pay a \$15 processing fee.

A copy of the report must be attached to the application for license. Note that the background report from AOC is valid only for 60 days. At the end of 60 days from the report issue date, a new report will be required if the license has not been issued. If you apply for a new license or new line of authority, a new background check report is required.

PRELICENSING TRAINING – N/A

EXAMINATION – N/A

FINANCIAL RESPONSIBILITY – N/A

ADDITIONAL LINES OF AUTHORITY – N/A

APPOINTMENT – The managing general agent must be appointed by and have a contract with each insurer the managing general agent serves in that capacity. The licensee with the Department of Insurance must file a copy of each managing general agent contract.

In order to exercise the license, the agent, individual or business entity must obtain at least one appointment with an admitted insurer for that line of authority in order to transact business in that particular line of authority. Prior to appointment, the insurer must confirm through investigation that the named applicant has not been convicted of any felony offense involving dishonesty or a breach of trust and has not been convicted of a fraudulent insurance act, unless the applicant has received written consent from the commissioner. The agent may get appointments with additional insurers at any time the insurer files with the Department of Insurance

- Appointment – **Form 8302-AP**; and
- Applicable nonrefundable fees, if any.

No agent shall claim to be an agent or representative of, or imply a contractual relationship with, a particular insurer, or place applications for insurance with an insurer unless the agent becomes an appointed agent of the insurer and the agent's appointment has been approved. An agent may become licensed but may not exercise the license by selling, soliciting, or negotiating insurance until he or she have been appointed.

Appointment fees for each foreign or alien insurer as well as each health maintenance organization, limited health service organization, fraternal benefit society, or KRS Chapter 304 Subtitle 32 Corporation represented, are

- Property, personal lines, and casualty lines of authority of agent, \$40;
- Life, health, and variable life and variable annuity lines of authority of agent, \$40; and
- All other lines of authority of agent, \$40 each.

(The fee for a bundle of lines of authority is \$40 only if the lines of authority are applied for at the same time on the same appointment form.)

APPOINTMENT RENEWAL – Appointments are renewed biennially by March 31 through appointing insurers. Each insurer receives a list from the Department, in a format prescribed by the commissioner, showing all agents with active appointments as of December 31 of the preceding calendar year. (The insurer is responsible for terminating any appointment prior to December 31 if the insurer does not want to pay the renewal fee for that agent. Further, the insurer must give written notice to any agent who is terminated or not renewed within 30 days of the termination or non-renewal.) The insurer must pay the appointment renewal fee no later than March 31 for each agent on the list from the Department in

- Odd-numbered years for life and health insurers, including health maintenance organizations, limited health service organizations, fraternal benefit societies, and Subtitle 32 Corporations; and
- Even-numbered years for all other insurers.

AGENT REPRESENTATIVE – A licensed agent who is authorized to sell, solicit, or negotiate insurance by holding at least one active appointment may act as a representative of an insurer without being appointed for 15 days from the date the first insurance policy application is executed. The agent representative must receive acknowledgement of approval of appointment within 15 days from the date the first insurance policy application is executed; otherwise, the agent must discontinue acting as an agent for that insurer until the approval has been received.

License is renewed online.

- **Renewal notification is mailed** to the current address of record filed with the Department at least 30 days before the renewal deadline, and posted to the Web site six months prior to the renewal.
- **Confirmation** of renewal information is available on our Web site at <http://insurance.ky.gov> at eServices.
- **Renewal period** is based solely on the licensee's birth date.
- **Renewal deadline** is no later than the last day of the birth month in even numbered years if born in an even year, or odd numbered years if born in an odd year.

Each licensee must:

- **Renew online through eServices** at <http://insurance.ky.gov> or www.nipr.com.

The licensee may check the Department's Web site to confirm that the license has renewed.

Failure to Renew License by Deadline – If the Department does not receive the license renewal invoice and any required fees by the deadline, the license will be automatically terminate as of the deadline. The licensee will be prohibited from transacting insurance business until the license is reissued.

However, if the licensee submits the renewal invoice, the late renewal penalty payment, and any required renewal fees within 60 days after the deadline, the license may be reissued without the need for a new license application or other documentation. Upon expiration of the 60 days, the license will be inactive. Note that there will be a gap in the license (and any appointments) from the inactive date until the date the Department receives and approves a reinstatement application with required attachments.

CONTINUING EDUCATION – N/A

INDIVIDUAL NON-RESIDENT MANAGING GENERAL AGENT

Non-residents may be licensed in Kentucky by submitting the appropriate application and meeting the applicable requirements:

- For reciprocity under KRS 304.9-140 if the applicant holds the same or substantially similar license in a reciprocal state; OR
- For a resident if the applicant is not licensed in a reciprocal state or if Kentucky is the home state. (See the requirements in the information summary concerning the appropriate resident licensing requirements.)

QUALIFICATIONS for RECIPROCITY (KRS 304.9-140) – Unless denied a license under KRS 304.9-440, the non-resident applicant must:

- Hold the same license as a resident in the home state and be in good standing;
- Hold the resident license from a home state that awards non-resident licenses to Kentucky residents on the same basis;
- Hold an agent license for property and casualty;
- Submit the proper request for license; and
- Pay the applicable fees.

APPLICATION – The applicant is required to certify, under penalty of perjury, that the application for the license is true. Further, although the applicant may be issued a license without an appointment by and a contract with an authorized insurer to act as its managing general agent, both are necessary to exercise the license. Therefore, to streamline the process and allow the applicant to exercise the license upon issuance, the Department must receive the following:

- ☐ Individual License Application – **Form 8301** (completed in its entirety and attaching the appropriate information)
- ☐ Verification through the NAIC Producer Data Base or certification letter from reciprocal home state
- ☐ Hold a Kentucky agent license with property and casualty lines of authority
- ☐ List of insurers applicant has contracted with to act as managing general agent and appointment from each insurer
- ☐ Copy of contract with each authorized insurer
- ☐ If using assumed name, copies of Certificate of Assumed Name filed with each Kentucky County Clerk where the applicant intends to transact business
- ☐ All applicable non-refundable fees

FEES – The applicant must remit \$100 for the license.

PRELICENSING TRAINING – N/A

EXAMINATION – N/A

FINANCIAL RESPONSIBILITY –N/A

APPOINTMENT – The managing general agent must be appointed by and have a contract with each insurer the managing general agent serves in that capacity. The licensee with the Department of Insurance must file a copy of each managing general agent contract. (The insurer will file the appointment **Form 8302-AP** with the requisite fee.)

APPOINTMENT RENEWAL – Appointments are renewed biennially by March 31 through appointing insurers. Each insurer receives a list from the Department, in a format prescribed by the commissioner, showing all agents with active appointments as of December 31 of the preceding calendar year. (The insurer is responsible for terminating any appointment prior to December 31 if the insurer does not want to pay the renewal fee for that agent. Further, the insurer must give written notice to any agent who is terminated or not renewed within 30 days of the termination or non-renewal.) The insurer must pay the appointment renewal fee no later than March 31 for each agent on the list from the Department in

- Odd-numbered years for life and health insurers, including health maintenance organizations, limited health service organizations, fraternal benefit societies, and Subtitle 32 Corporations; and
- Even-numbered years for all other insurers.

ADDITIONAL LINES OF AUTHORITY – N/A

AGENT REPRESENTATIVE – A licensed agent who is authorized to sell, solicit, or negotiate insurance by holding at least one active appointment may act as a representative of an insurer without being appointed for 15 days from the date the first insurance policy application is executed. The agent representative must receive

acknowledgement of approval of appointment within 15 days from the date the first insurance policy application is executed; otherwise, the agent must discontinue acting as an agent for that insurer until the approval has been received.

LICENSE RENEWAL –

Renewal of the Agent license is contingent upon continuing education compliance. Agents subject to continuing education must have completed continuing education requirements and filed proof of compliance with the Department of Insurance, in order to be eligible for license renewal. Renewal fees are as follows:

- | | |
|--|--------|
| • Agent with one or more active appointments | No fee |
| • Agent with no active appointments | \$ 40 |
| • Managing General Agent | \$100 |

License is renewed online.

- **Renewal notification is mailed** to the current address of record filed with the Department at least 30 days before the renewal deadline, and posted to the Web site six months prior to the renewal.
- **Confirmation** of renewal information is available on our Web site at <http://insurance.ky.gov> at eServices.
- **Renewal period** is based solely on the licensee's birth date.
- **Renewal deadline** is no later than the last day of the birth month in even numbered years if born in an even year, or odd numbered years if born in an odd year.

Each licensee must:

- **Renew online through eServices** at <http://insurance.ky.gov> or www.nipr.com.

The licensee may check the Department's Web site to confirm that the license has renewed.

Failure to Renew License by Deadline – If the Department does not receive the license renewal invoice and any required fees by the deadline, the license will be automatically terminate as of the deadline. The licensee will be prohibited from transacting insurance business until the license is reissued.

However, if the licensee submits the renewal invoice, the late renewal penalty payment, and any required renewal fees within 60 days after the deadline, the license may be reissued without the need for a new license application or other documentation. Upon expiration of the 60 days, the license will be inactive. Note that there will be a gap in the license (and any appointments) from the inactive date until the date the Department receives and approves a reinstatement application with required attachments.

CONTINUING EDUCATION – All individual agents with Kentucky resident licenses or Kentucky home state licenses are subject to continuing education for every line of authority (**EXCEPT** for the limited lines of authority: credit, crop, surety, and travel as identified in KRS 304.9-230).

The continuing education requirement of 24 hours must be met on or before the last day of the birth month for all individual agents, in **even** numbered years if born in even year, or odd numbered years if born in odd year. Of the 24 hours:

- At least 6 hours must be directly related to at least one of the agent's active lines of authority,
- At least 3 hours must be in ethics,
- All 24 hours may be classroom, correspondence, or any combination of the two.

Only courses approved by the Kentucky Department of Insurance will be accepted as approved credit hours.

Failure to meet the continuing education requirements by the last day of the birth month, odd or even year depending on the year of birth, will result in the **automatic termination of the license.**

Please refer to the Department's Web site, KRS 304.9-295, and 806 KAR 9:220 or 806 KAR 9:310 for additional details related to continuing education, such as the list of the approved providers, how the credit hours should be filed and applied, forms to file, deadlines, and extensions.

Non-Compliance with Continuing Education Requirements – An agent's lines of authority requiring continuing education will automatically terminate if the agent fails to

- Meet continuing education requirements by the last day of the birth month, or
- Verify with the Department of Insurance, the completion **and filing** of proof of course completion, within 60 days of the last day of the birth month.

If all lines of authority are terminated, the license will automatically terminate; and the agent must immediately return the original license certificate to the Department without demand.

If the agent has one or more remaining lines of authority, the license will not terminate. However, the agent must return the original license certificate to the Department so that the Department can reprint the license with only the active lines of authority.

REISSUE OF TERMINATED LICENSE – The former licensee will have one year (12 months) from his or her license termination date to re-qualify for the license without completing any required pre-licensing training course or passing any required examinations. However, the former licensee must still submit a newly completed license application with all required attachments and pay the applicable non-refundable fees. Insurers must file a new appointment **Form 8302-AP**, with the applicable fees.

In addition to submitting a license application, additional documentation and applicable licensing fees are required if the license was terminated for

- **Failure to meet continuing education** requirements; the former licensee must complete the delinquent hours of continuing education and have certificates of completion filed with the Department. Or,
- **Failure to maintain financial responsibility**, the former licensee must obtain adequate financial responsibility and have the insurer or financial institution file the appropriate proof with the Department.

Note that there will be a gap in the license (and any appointments) from the date of the license termination until the date the license is reissued. During this gap, the licensee cannot exercise the license.

CONTINUING EDUCATION – N/A

BUSINESS ENTITY RESIDENT MANAGING GENERAL AGENT

To be issued a resident managing general agent license, a business entity must meet the requirements of KRS 304.9-085.

QUALIFICATIONS – Business entities applying for a MGA license must:

- Hold an agent license with property and casualty lines of authority;
- Be appointed and hold a contract with each authorized insurer the applicant will represent as a managing

- general agent in Kentucky; and
- Have only individuals licensed as agents with property and casualty lines of authority designated to act on behalf of the business entity under its managing general agent license.

APPLICATION – The applicant is required to certify, under penalty of perjury, that the application for the license is true. Further, the Department must receive the following to process the business entity's application:

- ☐ Business Entity License Application – **Form 8301-BE** (completed in its entirety and attaching the appropriate information)
- ☐ List of insurers applicant has contracted with to act as managing general agent and hold appointment with each insurer
- ☐ Copy of contract with each authorized insurer
- ☐ Hold Kentucky agent license with property and casualty lines of authority
- ☐ Document demonstrating authority to do business in Kentucky, as applicable:
 - General Partnership
 - Partnership Agreement
 - Limited Partnership
 - Certificate of Formation from Kentucky Secretary of State
 - Corporation and Limited Liability Company
 - Certificate of Existence from Kentucky Secretary of State
- ☐ If using assumed name, copies of Certificate of Assumed Name filed with Kentucky Secretary of State and each Kentucky County Clerk where the applicant intends to transact business
- ☐ Designation of all licensed and appointed individuals to act under the business entity license
- ☐ All applicable non-refundable fees

FEES – The applicant must remit \$100 for the license.

PRELICENSING TRAINING – N/A

EXAMINATION – N/A

FINANCIAL RESPONSIBILITY –N/A

APPOINTMENT – The managing general agent must be appointed by and have a contract with each insurer the managing general agent serves in that capacity. The licensee with the Department must file a copy of each managing general agent contract. (The insurer will file the appointment **Form 8302-AP** with the requisite fee.)

APPOINTMENT RENEWAL – Appointments are renewed biennially by March 31 through appointing insurers. Each insurer receives a list in a format prescribed by the Department showing all agents with active appointments as of December 31 of the preceding calendar year. (The insurer is responsible for terminating any appointment prior to December 31 if the insurer does not want to pay the renewal fee for that agent. Further, the insurer must give written notice to any agent who is terminated or who is not renewed within 30 days of the termination or non-renewal.) The insurer must pay the appointment renewal fee no later than March 31 for each agent on the list from the Department of Insurance in

- Odd-numbered years for life and health insurers, including health maintenance organizations, limited

- health service organizations, fraternal benefit societies, and Subtitle 32 Corporations; and
- Even-numbered years for all other insurers.

ADDITIONAL LINES OF AUTHORITY – N/A

LICENSE RENEWAL – The license continues in force until expired, suspended, revoked, or otherwise terminated if the licensee makes a written request for continuation, confirms certain other information in the Department's records, and pays the renewal fee as follows:

- \$100

The renewal invoice and the payment of the license renewal fee stated on the renewal invoice are due from the business entity licensee **by March 31 in**

- Odd-numbered years for a business entity licensed in an odd-numbered year, and
- Even-numbered years for a business entity licensed in an even-numbered year.

(At least 30 days before the renewal deadline, the Department will send the licensee the renewal invoice containing all of the information that must be confirmed as well as the amount of the renewal fee due.)

License is renewed online.

- **Renewal notification is mailed** to the current address of record filed with the Department at least 30 days before the renewal deadline, and posted to the Web site six months prior to the renewal.
- **Confirmation** of renewal information is available on our Web site at <http://insurance.ky.gov> at eServices.
- **Renewal period** is based solely on the licensee's birth date.
- **Renewal deadline** is no later than the last day of the birth month in even numbered years if born in an even year, or odd numbered years if born in an odd year.

Each licensee must:

- **Renew online through eServices** at <http://insurance.ky.gov> or www.nipr.com.

The licensee may check the Department's Web site to confirm that the license has renewed.

Failure to Renew License by Deadline – If the Department does not receive the license renewal invoice and any required fees by the deadline, the license will be automatically terminate as of the deadline. The licensee will be prohibited from transacting insurance business until the license is reissued.

However, if the licensee submits the renewal invoice, the late renewal penalty payment, and any required renewal fees within 60 days after the deadline, the license may be reissued without the need for a new license application or other documentation. Upon expiration of the 60 days, the license will be inactive. Note that there will be a gap in the license (and any appointments) from the inactive date until the date the Department receives and approves a reinstatement application with required attachments.

CONTINUING EDUCATION – N/A

BUSINESS ENTITY NON-RESIDENT MANAGING GENERAL AGENT

Non-residents may be licensed in Kentucky by submitting the appropriate application and meeting the applicable requirements:

- For reciprocity under KRS 304.9-140 if the applicant holds the same or substantially similar license in a reciprocal state; OR
- For a resident if the applicant is not licensed in a reciprocal state or if Kentucky is the home state. (See the requirements in the information summary concerning the appropriate resident licensing requirements.)

QUALIFICATIONS for RECIPROCITY (KRS 304.9-140) – Unless denied a license under KRS 304.9-440, the non-resident applicant must:

- Hold the same license as a resident in the home state and be in good standing;
- Hold the resident license from a home state that awards non-resident licenses to Kentucky residents on the same basis;
- Hold Kentucky agent license with property and casualty lines of authority
- Submit the proper request for license; and
- Pay the applicable nonrefundable fees.

APPLICATION – The applicant is required to certify, under penalty of perjury, that the application for the license is true. Further, although the applicant may be issued a license once the applicant meets the qualifications of KRS 304.9-140. A business entity can only exercise its license through individuals, whose activity on behalf of the business entity will trigger the requirement that the individual hold the same license. A managing general agent must have an appointment by and a contract with an authorized insurer to act as its managing general agent to exercise the license. In order to streamline the process and allow the applicant to exercise the license upon issuance, the Department must receive the following:

- ☐ Business Entity License Application – **Form 8301-BE** (completed in its entirety and attaching the appropriate information)
- ☐ Verification through the NAIC Producer Data Base or certification letter from reciprocal home state or hold Kentucky agent license with property and casualty lines of authority
- ☐ List of insurers applicant has contracted with to act as managing general agent and appointments for each insurer
- ☐ Copy of contract with each authorized insurer
- ☐ List of all individuals to act under the business entity license
- ☐ For each individual to act under the business entity license
 - Individual License Application – **Form 8301** OR
 - Identification number for Kentucky license
- ☐ Document demonstrating authority to do business in Kentucky, as applicable
 - General Partnership
 - Partnership Agreement
 - Limited Partnership
 - Certificate of Registration from Kentucky Secretary of State
 - Corporation or Limited Liability Company
 - Certificate of Authorization from Kentucky Secretary of State
- ☐ If using assumed name, copies of Certificate of Assumed Name filed with Kentucky Secretary of State and each Kentucky County Clerk where the applicant intends to transact business
- ☐ All applicable non-refundable fees

FEES – The applicant must remit \$100 for the license.

PRELICENSING TRAINING – N/A

EXAMINATION – N/A

FINANCIAL RESPONSIBILITY –N/A

APPOINTMENT – The managing general agent must be appointed by and have a contract with each insurer the managing general agent serves in that capacity. A copy of each managing general agent contract must be filed by the licensee with the Department. (The insurer will file the appointment **Form 8302-AP** with the requisite fee.)

APPOINTMENT RENEWAL –Appointments are renewed biennially by March 31 through appointing insurers. Each insurer receives a list in a format prescribed by the Department showing all agents with active appointments as of December 31 of the preceding calendar year. (The insurer is responsible for terminating any appointment prior to December 31 if the insurer does not want to pay the renewal fee for that agent. Further, the insurer must give written notice to any agent who is terminated or who is not renewed within 30 days of the termination or non-renewal.) The insurer must pay the appointment renewal fee no later than March 31 for each agent on the list from the Department of Insurance in

- Odd-numbered years for life and health insurers, including health maintenance organizations, limited health service organizations, fraternal benefit societies, and Subtitle 32 corporations; and
- Even-numbered years for all other insurers.

ADDITIONAL LINES OF AUTHORITY – No additional lines of authority are available under this license.

LICENSE RENEWAL – The license continues in force until expired, suspended, revoked, or otherwise terminated if the licensee makes a written request for continuation, confirms certain other information in the Department’s records, and pays the renewal fee as follows:

- \$100

The renewal invoice and the payment of the license renewal fee stated on the renewal invoice are due from the business entity licensee **by March 31 in**

- Odd-numbered years for a business entity licensed in an odd-numbered year, and
- Even-numbered years for a business entity licensed in an even-numbered year.

(At least 30 days before the renewal deadline, the Department will send the licensee the renewal invoice containing all of the information that must be confirmed as well as the amount of the renewal fee due.)

License is renewed online.

- **Renewal notification is mailed** to the current address of record filed with the Department at least 30 days before the renewal deadline, and posted to the Web site six months prior to the renewal.
- **Confirmation** of renewal information is available on our Web site at <http://insurance.ky.gov> at eServices.
- **Renewal period** is based solely on the licensee’s birth date.
- **Renewal deadline** is no later than the last day of the birth month in even numbered years if born in an even year, or odd numbered years if born in an odd year.

Each licensee must:

- **Renew online through eServices at <http://insurance.ky.gov> or www.nipr.com.**

The licensee may check the Department's Web site to confirm that the license has renewed.

Failure to Renew License by Deadline – If the Department does not receive the license renewal invoice and any required fees by the deadline, the license will be automatically terminate as of the deadline. The licensee will be prohibited from transacting insurance business until the license is reissued.

However, if the licensee submits the renewal invoice, the late renewal penalty payment, and any required renewal fees within 60 days after the deadline, the license may be reissued without the need for a new license application or other documentation. Upon expiration of the 60 days, the license will be inactive. Note that there will be a gap in the license (and any appointments) from the inactive date until the date the Department receives and approves a reinstatement application with required attachments.

CONTINUING EDUCATION – N/A

**AGENT LICENSING DIVISION
GUIDELINES FOR PROCESSING LICENSING APPLICATIONS WITH
NEGATIVE BACKGROUND INFORMATION
APPROVAL / DENIAL/PROBATION**

Initial Application

1. **Have you ever been convicted of a crime, had a judgment withheld or deferred, or are you currently charged with committing a crime?** Yes____ No____

“Crime” includes a misdemeanor, felony or a military offense. You may exclude misdemeanor traffic citations or convictions involving driving under the influence (DUI) or driving while intoxicated (DWI), driving without a license, reckless driving, or driving with a suspended or revoked license and juvenile offenses. “Convicted” includes, but is not limited to, having been found guilty by verdict of a judge or jury, having entered a plea of guilty or nolo contendere, or having been given probation, a suspended sentence or a fine.

If you answer yes, you must attach to this application:

- a) a written statement explaining the circumstances of each incident,**
- b) a copy of the charging document, and**
- c) a copy of the official document which demonstrates the resolution of the charges or any final judgment.**

If you have a felony conviction, have you applied for a waiver as required by 18 USC 1033?

N/A__ Yes __ No__

If so, was that waiver granted? (Attach copy of 1033 waiver approved by home state.)

N/A__ Yes__ No__

Renewal Application

1. Since the last home state renewal, have you been convicted of, or are you currently charged with, committing a crime, whether or not adjudication was withheld? Yes___ No___

Agent Licensing checks to make sure all three of the above-mentioned requests are attached to the application. When all documentation is complete, the application goes to “review.” Details on what exactly is needed are as follows:

- a written statement explaining the circumstances of each incident (Must be VERY detailed – complete explanation – not just three or four sentences.)
- a copy of the charging document (police citation, indictment, warrant, or other court document you received when charges were made).
- a copy of the official document which demonstrates the resolution of the charges or any final judgment (court document showing final judgment of conviction, diversion agreement, or final court order signed by judge).
- If these documents are no longer available from the court office, then a letter must be submitted from that court office stating they have been destroyed, OR a computer printout from the court office that is “certified” by a court employee may be submitted in lieu of the original documents.

Initial Application

2. Have you or any business in which you are or were an owner, partner, officer or director, or member or manager of limited liability company ever been involved in an administrative proceeding regarding any professional or occupational license, or registration?
Yes___ No___

Renewal Application

2. Since the last home state renewal, have you or any business in which you are or were an owner, partner, officer, or director ever been involved in an administrative proceeding regarding any professional or occupational license?

“Involved” means having a license censured, suspended, revoked, canceled, terminated; or being assessed a fine, a cease and desist order, a prohibition order, a compliance order, placed on probation or surrendering a license to resolve an administrative action. “Involved” also means being named as a party to an administrative or arbitration proceeding which is related to a professional or occupational license. “Involved” also means having a license application denied or the act of withdrawing an application to avoid a denial. You may EXCLUDE terminations due solely to noncompliance with continuing education requirements or failure to pay a renewal fee.

If you answer yes, you must attach to this application:

- a) a written statement identifying the type of license and explaining the circumstances of each incident,
- b) a copy of the Notice of Hearing or other document that states the charges and allegations, and
- c) a copy of the official document which demonstrates the resolution of the charges or any final judgment.
(consent decree, agreed order, stipulation agreement, or letter from state issuing penalty)

Agent Licensing checks to make sure all three of the above-mentioned requests are attached to the application. If not, Agent Licensing writes back to the applicant to obtain these records. After receiving all attachments, the application goes to “review.”

Initial Application

3. Has any demand been made or judgment rendered against you or any business in which you are or were an owner, partner, officer, or director, or member or manager of a limited liability company, for overdue monies by an insurer, insured or producer, or have you ever been subject to a bankruptcy proceeding? Do not include personal bankruptcies, unless they involve funds held on behalf of others. Yes___ No___

If you answer yes, submit a statement summarizing the details of the indebtedness and arrangements for repayment, and/or type, date, and location of bankruptcy.

Agent Licensing reviews all documentation on demand, judgment, or bankruptcy. The applicant is contacted if additional documentation is required for determination. If there is a bankruptcy other than personal, Agent Licensing requests that the "Discharge of Debtor" is attached to application with a brief explanation of reason for bankruptcy. Also, if the bankruptcy happened within the last 2 years, a list of creditors must be supplied. Agent Licensing accepts faxed copies.

- **NOTE relative bankruptcies:**

- Do not include personal debt such as credit cards, mortgages, hospital bills, automobile debts.
- This answer requires that you reveal business bankruptcies.

4. Have you been notified by any jurisdiction to which you are applying of any delinquent tax obligation that is not the subject of a repayment agreement? Yes_____ No_____

If you answer yes, identify the jurisdiction(s): _____

According to KRS 304.9-440 (1)(o) and other applicable state law, the Department denies any applicant who has delinquent tax obligation that is not the subject of a repayment agreement in Kentucky. However, we will keep the application in a pending status for an extended period of time to allow applicant to contact Kentucky Revenue Cabinet and set up a repayment agreement. It may be necessary to issue an agreed order of probation for the same period of time it takes to repay the obligation to the state. Once the agreed order is signed by the applicant and the commissioner, the application will be processed.

Initial Application

5. Are you currently a party to, or have you ever been found liable in, any lawsuit, arbitration, or mediation proceeding involving allegations of fraud, misappropriation or conversion of funds, misrepresentation or breach of fiduciary duty? Yes_____ No_____

If you answer yes, you must attach to this application:

- a) **a written statement summarizing the details of each incident, (*Written statement giving full details of each incident involving allegations of fraud, misappropriation or conversion of funds, misrepresentation or breach of fiduciary duty.*)**
- b) **a copy of the petition, complaint or other document that commenced the lawsuit or arbitration, or mediation and**
- c) **a copy of the official document which demonstrates the resolution of the charges or any final judgment.**

Agent Licensing checks to make sure all three of the above-mentioned requests are attached to the application. If not, Agent Licensing writes back to the applicant to obtain these records. After all documentation is received, application goes to "review."

Initial Application

6. Have you or any business in which you are or were an owner, partner, officer or director, or member or manager of a limited liability company, ever had an insurance agency contract or any other business relationship with an insurance company terminated for any alleged misconduct? Yes_____ No_____

If you answer yes, you must attach to this application:

- a) a written statement summarizing the details of each incident and explaining why you feel this incident should not prevent you from receiving an insurance license, and
- b) copies of all relevant documents.

Agent Licensing checks to make sure all of the above-mentioned requests are attached to the application. If not, Agent Licensing writes back to the applicant to obtain these records. After all documentation is received, application goes to “review.”

Initial Application

7. Do you have a child support obligation in arrearage? Yes_____ No_____

If you answer yes,

- a) **by how many months are you in arrearage?**
- b) **are you currently subject to and in compliance with any repayment agreement?**
- c) **Are you the subject of a child support related subpoena warrant?**

(If you answered yes, provide documentation showing proof of current payments or an approved repayment plan from the appropriate state child support agency.)

Agent Licensing requires applicant to submit official documentation showing that child support payments are being made. This may be a computer printout from court-ordered overseer of the account, or a copy of pay stubs showing automatic withdrawal of child support payments.

NOTES:

- Our primary goal is to process application without infractions and applications with legal background infractions that are not serious within one to two business days. The Division’s business history indicates that most documents can be successfully processed within that timeframe.
- Any time a background infraction is disclosed, the review may require additional days to process. Based on the charges, the application may be pending review for several weeks, even several months. Occasionally, it is necessary to contact other attorneys or court offices to obtain all the information we need to make a fair judgment.
- A decision for application is never made by discussing background infractions by phone prior to application. All background infractions are reviewed individually, on a case-by-case basis.